IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9556 of 2002

For Approval and Signature:

Hon'ble MR.JUSTICE H.K.RATHOD

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

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GEMS COOP.HOUSING SOCIETY LTD

Versus

STATE OF GUJARAT

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Appearance:

1. Special Civil Application No. 9556 of 2002

MS MEGHA JANI for Petitioner No. 1-8

GOVERNMENT PLEADER for Respondent No. 1

MR RR MARSHALL for Respondent No. 2

MR AS VAKIL for Respondent No. 3

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CORAM : MR.JUSTICE H.K.RATHOD

Date of decision: 20/12/2002

ORAL JUDGEMENT

Heard learned advocate Ms. Megha Jani on behalf of petitioners, learned advocate Mr. A. S. Vakil appearing on behalf of the respondent Nos. 3, 4 and 5. Learned advocate Mr. R.R.Marshal appearing on behalf of respondent No. 2. Learned AGP Mr. Dagli appearing on behalf of respondent No. 1.

2) Rule. Learned advocate Mr. A. S. Vakil waives service of rule on behalf of respondent Nos. 3, 4 and 5 and similary, learned advocate Mr. R.R. Marshal waives service of rule on behalf of respondent No. 3 with the consent of the learned advocates for the parties, the matter is taken up for final hearing today.

3) When the matter has been taken up for hearing, learned advocate Ms. Megha Jani as well as learned advocate Mr. A. S. Vakil has placed on record an agreement arrived at between the parties as well as undertaking on behalf of respondent Nos. 3, 4 and 5, which are taken on record. Learned advocate Ms. Jani appearing on behalf of the petitioner has submitted that in view of the agreement arrived at between the petitioner and respondent Nos. 3, 4 and 5, present petition can be disposed of with a direction to the respondents Nos. 3, 4 and 5 and the petitioner to abide by the terms of the agreement which are arrived at between the parties while keeping in record the undertaking which has been given by respondents No. 3,4 and 5.

4) In view of the submissions made by both the learned advocates, it is directed to the petitioner and respondent Nos. 3, 4 and 5 to abide by the agreement arrived at between them dated 19th December, 2002 and they have to act accordingly. Similarly, it is also directed to respondent Nos. 3, 4 and 5 to act as per their undertaking which has been placed on record before this Court.

5) In view of this observations and direction the present Special Civil Application is disposed of in terms of the undertaking given by respondents Nos. 3, 4 and 5 as well as the agreement arrived at between the petitioner and respondents dated 19th December, 2002.

In view of that the matter is disposed of accordingly. Rule is discharged. Adinterim relief stands vacated. No order as to costs.

(H.K.Rathod, J.)

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